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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 EDUARDO CUEVAS FARIAS,  
15 Defendant.

Case No. 2:20-mj-00636-DJA

**ORDER TO CONTINUE**  
**BENCH TRIAL**  
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,  
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
20 and Katherine Tanaka, Assistant Federal Public Defender, counsel for Eduardo Cuevas Farias,  
21 that the bench trial currently scheduled on October 14, 2020, be vacated and continued to a date  
22 and time convenient to the Court, but no sooner than thirty (30) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs additional time to conduct investigation and  
25 complete research to determine whether there are any pretrial issues to be litigated and  
26 whether the case will ultimately go to trial or be resolved through negotiations.

1           2.       The defendant is out of custody and does not object to the continuance.  
2           3.       The parties agree to the continuance.  
3           4.       Additionally, denial of this request for continuance could result in a  
4 miscarriage of justice. The additional time requested by this Stipulation is excludable in  
5 computing the time within which the trial herein must commence pursuant to the Speedy Trial  
6 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title  
7 18, United States Code § 3161(h)(7)(B)(iv).

8           This is the first request for a continuance of the bench trial.

9           DATED this 13 day of October, 2020.

10  
11       RENE L. VALLADARES  
12       Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

13       By /s/ Katherine Tanaka  
14       KATHERINE TANAKA  
15       Assistant Federal Public Defender

By /s/ Rachel Kent  
RACHEL KENT  
Special Assistant United States Attorney

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDUARDO CUEVAS FARIAS,

Defendant.

Case No. 2:20-mj-00636-DJA

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation and complete research to determine whether there are any pretrial issues to be litigated and whether the case will ultimately go to trial or be resolved through negotiations.

2. The defendant is out of custody and does not object to the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

**ORDER**

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, October 14, 2020, at 9:00 a.m., be vacated and continued to November 18, 2020, at 9:00 a.m. in Courtroom 3A.

DATED October 13, 2020.



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DANIEL J. ALBREGTS, U.S. Magistrate Judge